

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Child and Family Services Agency**  
**Office of the General Counsel**



MLA 06-03,  
March 10, 2006

**Memorandum of Legal Advice**

**Issue**

The Child and Family Services Agency (CFSA) Office of the General Counsel was asked the following question by the Intake Administration:

1. When a Child Protection Register check indicates that a person's name is in the Child Protection Register (CPR) as "inconclusive" can a potential employer be informed that the person is listed in the Register as being responsible for the abuse or neglect of a child?

**Conclusion**

No. CFSA is not authorized to grant access to inconclusive reports or to information contained within them to employers or potential employers. CFSA is permitted to grant access to substantiated reports to certain types of employers or potential employers such as day care providers, schools and other organizations where the person will have direct contact with children. This information is to be used for purposes of making employment decisions for employees or potential employees, including volunteer positions. CFSA should immediately stop issuing Child Protection Register Checks which indicate to employers that persons with "inconclusive" reports are in the CPR. Any requests for CPR clearances for persons listed only as "inconclusive" should result in a letter that states that the "applicant is not listed in the Register as responsible for the abuse or neglect of a child".

**Analysis**

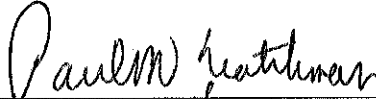
The Child Protection Register (CPR) is established in D.C. Code §§4-1302.01, et seq. The CPR maintains, *inter alia*, certain information relative to both **substantiated** and **inconclusive** reports of child abuse and neglect. D.C. Code §4-1302.02. Access by employers or potential employers to information contained in the Register is governed by D.C. Code §4-1302.03 (a-1)(1)<sup>1</sup> which grants access to "**substantiated reports** to the

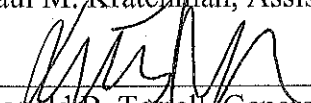
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<sup>1</sup> D.C. Code §4-1302.02(a) requires information on "each substantiated and inconclusive report" to be retained in the CPR. The information retained (inconclusive and substantiated) in the CPR is available to persons listed in D.C. Code §§4-1302.03(a)(1)-(9). These persons are, for  
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chief executive officers or directors of day care centers, schools, or any public or private organizations working directly with children, for the purpose of making employment decisions regarding employees and volunteers or prospective employees and volunteers....". (emphasis added). Thus, for the purposes of obtaining a CPR clearance for employment, and despite the fact that a person may be listed in the CPR, if the report is determined to be inconclusive, CFSA should indicate that the "applicant is not listed in the Register as responsible for the abuse or neglect of a child".

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purposes of investigating or prosecuting a report of abuse or neglect, Assistant Attorney Generals, Assistant United States Attorneys and Superior Court Social Services Agency personnel. Other persons who are able to have access to the CPR information, albeit for other reasons, are the Guardian Ad Litem of a child subject to a report, the parent, guardian or attorney for the child who is the subject of the report, each person identified in the report as a person responsible for the neglect of the child or that person's attorney; a child placing agency licensed in the District of Columbia or the Agency's staff who makes child placements for the purpose of checking a proposed foster care or adoptive placement, but only after a signed consent for release of the information. Finally, the statute specifically grants access to information in the CPR to the Child Fatality Review Committee and any member of a multi-disciplinary investigation team. See, DC Code Section 4-1302.03(a)(1)-(9).